

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 07cv0467-J (NLS)
)	
Plaintiff,)	JUDGMENT OF FORFEITURE
)	
v.)	
)	
ONE RESIDENTIAL PROPERTY)	
LOCATED AT 11540 BRIDLE PATH)	
LANE, LAKESIDE, CALIFORNIA,)	
AND ALL IMPROVEMENTS AND)	
APPURTENANCES AFFIXED THERETO,)	
)	
Defendant.)	
_____)	

Having reviewed the foregoing Joint Motion and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is **GRANTED**.

1. The parties, the United States of America, by and through its counsel, Karen P. Hewitt, United States Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the claimant, David Moreno ("Claimant"), and his attorney of record, Richard M. Barnett, have agreed to settle the matter of the potential forfeiture of the above-captioned defendant property, 11540 Bridle Path Lane, Lakeside, California, which is legally described as follows:

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ASSESSORS PARCEL NO. 377-390-42-00

THAT PORTION OF LOT 103 OF SAN DIEGO EUCALYPTUS COMPANY'S LANDS, TRACT NO. 2, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO 1492, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 8, 1912, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 103, BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 13°39'10" EAST, 139.59 FEET TO THE NORTHERLY LINE OF THE SOUTH 2.50 ACRES OF SAID LOT 103; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°58'25" WEST, 261.72 FEET; THENCE NORTH 0°01'35" EAST 20.00 FEET; THENCE NORTH 89°58'23" WEST, 138.85 FEET; THENCE NORTH 13°39'10" WEST 119.01 FEET TO THE NORTHERLY LINE OF LOT 103; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89°58'23" EAST, 395.71 FEET TO THE TRUE POINT OF BEGINNING ("defendant property"),

2. Claimant will pay \$135,000.00 to the United States in lieu of the defendant property. Upon Claimant's payment of \$135,000.00 in the form of a cashier's check made payable to the United States Marshals Service, the United States will withdraw the lis pendens it recorded on the defendant property on March 14, 2007.

3. The \$135,000.00 paid by Claimant is hereby forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881(a)(7).

4. Claimant has warranted and represented as a material fact that there are no other owners of the defendant property and has further warranted that no other person or entity has any right, claim or interest in the defendant property. Claimant will defend and indemnify the United States against any and all claims made against it on account of the release of the defendant property to Claimant.

5. Claimant has agreed that by entering into the joint motion, he has not "substantially prevailed" within the meaning of 28 U.S.C. § 2465. Each party shall bear its own costs and expenses, including attorney fees.

6. The Claimant, his agents, employees, or assigns, shall hold and save harmless the United States of America, its agents and employees, from any and all claims which might result from its complaint against the defendant property.

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4 7. Claimant has agreed that the terms of this settlement do not constitute a
5 violation of the Excessive Fines Clause of the Eighth Amendment to the Constitution.

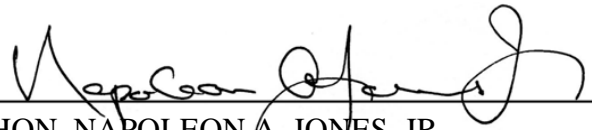
6 **IT IS SO ORDERED.**

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8 DATED: February 22, 2008

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HON. NAPOLEON A. JONES, JR.
United States District Judge

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12 cc: Magistrate Judge Nita L. Stormes
13 All Parties of Record

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